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ABSTRACT

Presenting testimony on legislation to restore the Confederated Tribes of Siletz Indians (Oregon) to the status of a federally recognized tribe, these hearings from the 95th Congress include: (1) the text of the bill itself (S. 1560); (2) testimony given by 3 individuals (a representative from the Tribal Council of the Confederated Tribes of Siletz Indians; the Acting Deputy Commissioner of Indian Affairs, Department of the Interior; and the Director of the Oregon Fish and Wildlife Commission); and (3) submitted materials (letters and prepared statements). Identified as among those American Indian tribes of Western Oregon which were terminated by the Act of 1954, this group of people is described statistically as follows: a 44% unemployment rate in Lincoln County, Oregon where the majority of the population is Siletz; a median family income among Indians in the town of Siletz of $3,300; roughly 70% of the Indian students in the Siletz school with only 1 parent due to the death of the other parent; and among 84 Siletz Indians questioned in a nonrandom survey, reports of dental needs at 52.9%, visual needs at 22%, and medical at 21%. Designed to help the Siletz improve their socioeconomic status, the bill, as presented in this document, calls for the restoration of Federal tribal recognition, making these tribes eligible for the Indian health, education, and economic assistance programs of the Federal Government. (JC)

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SILETZ INDIAN TRIBE RESTORATION

HEARING

BEFORE THE

UNITED STATES SENATE
SELECT COMMITTEE ON INDIAN AFFAIRS

NINETY-FIFTH CONGRESS

FIRST SESSION

ON

S. 1560

TO RESTORE THE CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON AS A FEDERALLY RECOGNIZED SOVEREIGN INDIAN TRIBE, TO RESTORE TO THE CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON AND ITS MEMBERS THOSE FEDERAL SERVICES AND BENEFITS FURNISHED TO FEDERALLY RECOGNIZED AMERICAN INDIAN TRIBES AND THEIR MEMBERS, AND FOR OTHER PURPOSES

JULY 13, 1977

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(III)

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SILETZ INDIAN TRIBE RESTORATION

WEDNESDAY, JULY 13, 1977

U.S. SENATE,
SELECT COMMITTEE ON INDIAN AFFAIRS,
Washington, D.C.

The committee met, pursuant to notice, at 9:30 a.m., in room 457, Russell Senate Office Building, Hon. Mark O. Hatfield (acting chairman of the committee) presiding.

Present: Senator Hatfield.

Staff present: Keith Kennedy, professional staff member; Leah Gungoll, administrative secretary; and Debra Lyle, administrative secretary.

Senator HATFIELD. The hearing will come to order.

These hearings have been called to receive testimony on S. 1560, legislation to restore the Confederated Tribes of the Siletz Indians to the status of a federally recognized tribe. The bill was introduced on May 18 of this year by Senator Bob Packwood and myself. Identical legislation has been introduced in the House by Representative Les AuCoin.

The Confederated Tribes of the Siletz Indians were among those tribes of western Oregon that were terminated by the act of August 13, 1954. With little preparation and certainly without tribal consent, the Federal Government unilaterally and abruptly severed the trust relationship that had been established by treaty and statute over the years.

The ostensible purpose of termination was to end a paternalistic governmental relationship and allow Native Americans to participate fully in the mainstream of society. The practical result, however, has been economic and cultural devastation for the terminated tribes. This is particularly true in the case of the Siletz. Recent figures indicate a 44 percent unemployment rate in Lincoln County, Oreg., the majority of whom are Siletz. The median family income of Indian families in the town of Siletz is $3,300 a year. Roughly 70 percent of the Indian students in Siletz school have only one parent due to the death of the other parent. Health needs are great; of 84 Siletz Indians questioned in a nonrandom survey, 52.9 percent reported dental needs, 21 percent reported medical needs, and 22 percent reported visual needs. These figures bear sad witness to the presumably inadvertent attempt to destroy a once proud people through the policy of termination.

S. 1560 will help the Siletz Indians get out of this situation. By restoring them to the status of a federally recognized tribe, it will make them eligible for the Indian health, education, and economic assistance programs of the Federal Government. The bill is consistent with the

principle of self-determination and is strongly supported by the Confederated Tribes. It is the product of lengthy deliberations of the Siletz and other interested parties. Similar legislation in the last Congress, S. 2801, was the subject of intensive hearings last year.

One issue which has come up in the public discussion of this bill—an issue of concern to many Oregonians—is the matter of hunting and fishing rights. Let me emphasize that this bill does not grant or restore any hunting, fishing, or trapping rights, and says so explicitly in section (3) (c). Furthermore, no reservation is created by this bill. Rather, the Secretary of the Interior is directed to determine, in full consultation with all local interests, whether a reservation should be created, and, if so, how. The Secretary is required to report to Congress in 2 years; and, if the report calls for the creation of a reservation, the appropriate committees are asked to give it priority. Of course, the creation of a reservation, if called for, would require a separate act of Congress.

If a reservation is created, that would also not grant any hunting or fishing rights or any procedural right or advantage in any attempt to secure those rights. That is made completely clear by section 7(d) (2) of the bill.

S. 1560 is a simple bill. It simply restores the Siletz as a federally recognized tribe, thereby making them eligible for the Federal services they so badly need. So, I hope we can move swiftly to enact this bill. It will serve as a much needed installment toward paying a moral debt to which this Nation has committed its national honor; it is the right thing to do.

I now place in the record a copy of S. 1560, and also the report of the Department of the Interior on that bill.

Our first witness this morning is Mr. Raymond Butler, the Acting Commissioner of the Bureau of Indian Affairs.

Mr. Butler, your full prepared statement will be printed in the record.

[Material follows:]

95TH CONGRESS
1ST SESSION

S. 1560

IN THE SENATE OF THE UNITED STATES

MAY 18 (legislative day, MAY 16), 1977

Mr. HATFIELD (for himself and Mr. PACKWOOD) introduced the following bill; which was read twice and referred to the Select Committee on Indian Affairs

A BILL

To restore the Confederated Tribes of Siletz Indians of Oregon as a federally recognized sovereign Indian tribe, to restore to the Confederated Tribes of Siletz Indians of Oregon and its members those Federal services and benefits furnished to federally recognized American Indian tribes and their members, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Siletz Indian Tribe Restoration Act".

SEC. 2. For the purposes of this Act—

(1) the term "tribe" means the Confederated Tribes of the Siletz Indians of Oregon;

(2) the term "Secretary" means the Secretary of the Interior or his authorized representative;

(3) the term "interim council" means the council elected pursuant to section 5;

(4) the term "member", when used with respect to the tribe, means a person enrolled on the membership roll of the tribe, as provided in section 4 of this Act;

(5) the term "final membership roll" means the final membership roll of the tribe published on July 20, 1956, on pages 5454–5462 of volume 21 of the Federal Register.

SEC. 3. (a) Federal recognition is hereby extended to the tribe, and the provisions of the Act entitled "An Act to conserve and develop Indian lands and resources; to extend to Indians the right to form businesses and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes", approved June 13, 1934 (25 U.S.C. 461 et seq.) except as inconsistent with specific provisions of this Act, are made applicable to the tribe and the members of the tribe. The tribe and the members of the tribe shall be eligible for all Federal services and benefits furnished to federally recognized Indian tribes. Notwithstanding any provision to the

contrary in any law establishing such services or benefits, eligibility of the tribe and its members for such Federal services and benefits shall become effective upon enactment of this Act without regard to the existence of a reservation for the tribe or the residence of members of the tribe on a reservation.

(b) All rights and privileges of the tribe and of members of the tribe (other than hunting, fishing, and trapping rights) under any Federal treaty, Executive order, agreement, or statute, or under any other authority, which have been diminished or lost under the Act of August 13, 1954 (25 U.S.C. 691–708), are hereby restored and such Act shall be inapplicable to the tribe and its members after the date of enactment of this Act.

(c) This Act shall not grant or restore any hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage, to the tribe or any member of the tribe.

(d) Except as specifically provided in this Act, nothing in this Act shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes already levied.

SEC. 4. (a) The final membership roll is declared open. The Secretary, the Interim Council, and tribal officials under the tribal constitution and bylaws shall take such mea-

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ures as will insure the continuing accuracy of the membership roll.

(b) (1) Until after the initial election of tribal officers under the tribal constitution and bylaws, a person shall be a member of the tribe and his name shall be placed on the membership roll if he is living and if—

(A) his name is listed on the final membership roll;

(B) he was entitled on August 13, 1954, to be on the final membership roll but his name was not listed on that roll; or

(C) he is a descendant of a person specified in subparagraph (A) or (B) and possesses at least one-fourth degree of blood of members of the tribe or their Siletz Indian ancestors.

(2) After the initial election of tribal officials under the tribal constitution and bylaws, the provisions of the tribal constitution and bylaws shall govern membership in the tribe.

(c) (1) Before election of the Interim Council, verification of descendancy, age, and blood shall be made upon oath before the Secretary and his determination thereon shall be final.

(2) After election of the Interim Council and before the initial election of the tribal officials, verification of

descendancy, age, and blood shall be made upon oath before the Interim Council, or its authorized representative. A member of the tribe, with respect to the inclusion of any name, and any person, with respect to the exclusion of his name, may appeal to the Secretary, who shall make a final determination of each such appeal within ninety days after an appeal has been filed with him. The determination of the Secretary with respect to an appeal under this paragraph shall be final.

(3) After the initial election of tribal officials, the provisions of the tribal constitution and bylaws shall govern the verification of any requirements for membership in the tribe, and the Secretary and the Interim Council shall deliver their records and files, and any other material relating to enrollment matters, to the tribal governing body.

(d) For purposes of sections 5 and 6, a member who is eighteen years of age or older is entitled and eligible to be given notice of, attend, participate in, and vote at, general council meetings and to nominate candidates for, to run for any office in, and to vote in, elections of members to the Interim Council and to other tribal councils.

SEC. 5 (a) Within fifteen days after the date of the enactment of this Act, the Secretary shall announce the date of a general council meeting of the tribe to nominate candidates for election to the Interim Council. Such general

council meeting shall be held within thirty days after the date of the enactment of this Act. Within forty-five days after such general council meeting the Secretary shall hold an election by secret ballot, absentee balloting to be permitted, to elect nine members of the tribe to the Interim Council from among the nominees submitted to him from such general council meeting. The Secretary shall assure that notice of the time, place, and purpose of such meeting and election shall be provided to members described in section 4(d) at least fifteen days before such general meeting and election. The ballot shall provide for write-in votes. The Secretary shall approve the Interim Council elected pursuant to this section if he is satisfied that the requirements of this section relating to the nominating and election process have been met. If he is not so satisfied, he shall hold another election under this section, with the general council meeting to nominate candidates for election to the Interim Council to be held within thirty days after such election.

(b) The Interim Council shall represent the tribe and its members in the implementation of this Act and shall be the acting tribal governing body until tribal officials are elected pursuant to section 6(c) and shall have no powers other than those given to it in accordance with this Act. The Interim Council shall have full authority and capacity to receive grants from and to make contracts with the Secre-

tary and the Secretary of Health, Education, and Welfare, with respect to Federal services and benefits for the tribe and its members and to bind the tribal governing body as the successor in interest to the Interim Council for a period extending not more than six months after the date on which the tribal governing body takes office. Except as provided in the preceding sentence, the Interim Council shall have no power or authority after the time when the duly elected tribal governing body takes office.

(c) Within thirty days after receiving notice of a vacancy on the Interim Council, the Interim Council shall hold a general council meeting for the purpose of electing a person to fill such vacancy. The Interim Council shall provide notice of the time, place, and purpose of such meeting and election to members described in section 4 (d) at least ten days before such general meeting and election. The person nominated to fill such vacancy at the general council meeting who received the highest number of votes in the election shall fill such vacancy.

SEC. 6. (a) Upon the written request of the Interim Council, the Secretary shall conduct an election by secret ballot, pursuant to the provisions of section 16 of the Act of June 18, 1934 (48 Stat. 987), for the purpose of adopting a constitution and bylaws for the tribes. The election shall be held within sixty days after the Secretary has—

(1) reviewed and updated the final membership roll for accuracy, in accordance with sections 4(a), 4(b)(1), and 4(c)(1),

(2) made a final determination of all appeals filed under section 4(c)(2), and

(3) published in the Federal Register a certification copy of the membership roll of the tribe.

(b) The Interim Council shall draft and distribute to each member described in section 4(d), no later than thirty days before the election under subsection (a), a copy of the proposed constitution and bylaws of the tribe, as drafted by the Interim Council, along with a brief, impartial description of the proposed constitution and bylaws. The members of the Interim Council may freely consult with members of the tribe concerning the text and description of the constitution and bylaws, except that such consultation may not be carried on within fifty feet of the polling places on the date of the election.

(c) In any election held pursuant to this subsection (a), the vote of a majority of those actually voting shall be necessary and sufficient for the adoption of a tribal constitution and bylaws.

(d) Not later than one hundred and twenty days after the tribe adopts a constitution and bylaws, the Interim Council shall conduct an election by secret ballot for the purpose of

electing the individuals who will serve as tribal officials as provided in the tribal constitution and bylaws. For the purpose of this election and notwithstanding any provision in the tribal constitution and bylaws to the contrary, absentee balloting shall be permitted.

SEC. 7. (a) This Act shall not be construed as establishing a reservation for the tribe, but any reservation for the tribe shall be established by an Act of Congress enacted after the enactment of this Act.

(b) The Secretary shall negotiate with the tribe, or with representatives of the tribe chosen by the tribe, concerning the establishment of a reservation for the tribe, and the Secretary shall, in accordance with subsections (c) and (d), develop a plan for the establishment of a reservation for the tribe and shall submit such plan, in the form of proposed legislation, to the Congress within two years after the date of enactment of this Act. The appropriate committees in each House shall give such proposed legislation priority on their calendars.

(c) To assure that legitimate State and local interests are not prejudiced by the creation of a reservation for the tribe, the Secretary, in developing a plan under subsection (b) for the establishment of a reservation, shall notify and consult with all appropriate officials of the State of Oregon, all appropriate local governmental officials in the State of

Oregon and any other interested parties. Such consultation shall include the following subjects:

(1) the size and location of the reservation;

(2) the effect the establishment of the reservation would have on State and local tax revenues;

(3) the criminal and civil jurisdiction of the State of Oregon with respect to the reservation and persons on the reservation;

(4) hunting, fishing, and trapping rights of the tribe and members of the tribe, on the reservation;

(5) the provision of State and local services to the reservation and to the tribe and members of the tribe on the reservation; and

(6) the provision of Federal services to the reservation and to the tribe and members of the tribe and the provision of services by the tribe to members of the tribe.

(d) Any plan developed under this section for the establishment of a reservation for the tribe shall provide that—

(1) any real property transferred by the tribe or members of the tribe to the Secretary shall be taken in the name of the United States in trust for the benefit of the tribe and shall be the reservation for the tribe;

(2) the establishment of such a reservation will not grant or restore to the tribe or any member of the tribe any hunting, fishing, or trapping right of any nature,

including any indirect or procedural right or advantage, on such reservation;

(3) the Secretary shall not accept any real property in trust for the benefit of the tribe or its members unless such real property is located within Lincoln County, State of Oregon;

(4) any real property taken in trust by the Secretary for the benefit of the tribe or its members shall be subject to all rights existing at the time such property is taken in trust, including liens, outstanding Federal, State, and local taxes, mortgages, outstanding indebtedness of any kind, easements, and all other obligations, and shall be subject to foreclosure and sale in accordance with the laws of the State of Oregon;

(5) the transfer of any real property to the Secretary in trust for the benefit of the tribe or its members shall be exempt from all Federal, State, and local taxation, and all such real property shall, as of the date of such transfer, be exempt from Federal, State, and local taxation; and

(6) the State of Oregon shall have civil and criminal jurisdiction with respect to the reservation and persons on the reservation in accordance with section 1360 of title 28, United States Code, and section 1162 of title 18, United States Code.

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(e) The Secretary shall append to the plan a detailed statement describing the manner in which the notification and consultation prescribed by subsection (c) was carried out and shall include any written comments with respect to the establishment of a reservation for the tribe submitted to the Secretary by State and local officials and other interested parties in the course of such consultation.

SEC. 8. The Secretary may make such rules and regulations as are necessary to carry out the purposes of this Act.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUL 12 1977

Honorable James Abourezk
Chairman, Select Committee on
Indian Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This responds to your request for our views on S. 1560, a bill "To restore the Confederated Tribes of Siletz Indians of Oregon as a federally recognized sovereign Indian tribe, to restore to the Confederated Tribes of Siletz Indians of Oregon and its members those Federal services and benefits furnished to federally recognized American Indian tribes and their members, and for other purposes."

We recommend that, with the exception of section 7, S. 1560 not be enacted, but that the enclosed draft, along with section 7 of S. 1560, be enacted in order to provide more simplified procedures for restoration.

S. 1560 would restore Federal recognition to the Confederated Tribes of Siletz Indians and thereby restore their eligibility for services and assistance from the Department of the Interior and Department of Health, Education and Welfare. The bill does not establish a reservation for the tribe, but provides that any reservation for the tribe shall be established by an Act of Congress enacted subsequent to enactment of S. 1560.

The Confederated Tribes of Siletz Indians (hereinafter "the Tribe") was among the Western Oregon Tribes who were terminated pursuant to the Act of August 13, 1954 (69 Stat. 724; 25 U.S.C. 691-708) as part of the termination policy set out in H. Con. Res. 108 of the 83rd Congress. After enactment of the 1954 Act, all remaining tribal land was sold by the Federal Government. Some 37 acres which had been used primarily for a BIA agency and a tribal cemetary were transferred to the town of Siletz, because the Tribe was unable to pay the required property taxes. Tribal activities generally ceased and many tribal members left the area.

The Tribe reorganized in the late 1960's and incorporated as a non-profit corporation in 1973. The organization is composed of Siletz Indians living in Siletz, as well as those who left the area since termination. The Tribe is currently negotiating with the town for return of the 37 acres of land.

Recent studies indicate that the unemployment rate for Siletz Indian living in the former reservation area is 43.8%. The median family income for Siletz families in the area is $3,333.

In 1974, 44% of Siletz Indians between the ages of 17 and 25 had not finished high school. There is a high incidence of alcoholism among tribal members, and there are other health problems for which many members cannot afford medical care. Nearly 800 out of the 929 persons listed on the Siletz termination roll of 1956 are still living and the current number of Siletz Indians are approximately between 1,500 and 2,000.

Our support for restoration for the Siletz Indians is based upon the finding that the Siletz meet the following criteria: there exists an on-going, identifiable community of Indians who are members of the formerly recognized tribe or who are their descendents; their community is located in the vicinity of the former reservation; there exists an available land base which could be taken in trust and proclaimed a reservation; the group has continued to perform self-governing functions, either through elected representatives or in meetings of the group's general membership; there is wide spread use of their aboriginal language, customs and culture; there has been some deterioration in their socio-economic conditions since termination; and their conditions are more severe than in other adjacent rural areas or in comparable areas within the State.

Restoration would make a large difference to both individuals and the Tribe as a whole in that they would be eligible for such benefits as: certain BIA programs such as Johnson-O'Malley Act funds for elementary and secondary school children in the Siletz schools; and BIA scholarships for post-secondary education for tribal youths. Tribal members could receive health benefits throught HEW's Indian Health Service. The Tribe would be able to administer some BIA programs, which would provide jobs for tribal members, and it would also be eligible for certain BIA loan funds. While the Tribe does not seek the return of its Reservation under the bill, if it does eventually acquire the 37 acres, this land could, at a later date, go into trust and provide a focal point for tribal activities and identity.

We estimate the BIA program costs under the bill would be approximately $300,000 in the first year after enactment. Appropriations for these programs are authorized under existing law.

Our substitute draft bill would provide more simplified procedures for restoration. In addition, there is an existing organization ("The Confederated Tribes of Siletz Indians") incorporated under Oregon Law with a 9-member elected board of directors who serve three year terms with 3 members being elected each year. This board can serve as the tribal council until the Siletz Indians organize and adopt a constitution and by-laws under the Indian Reorganization Act.

Section 7 of S. 1560 provides that the Secretary of the Interior shall negotiate with the tribes concerning the establishment of a reservation, develop a plan providing for such establishment, and submit it to Congress as proposed legislation within two years of enactment of S. 1560. In developing the plan, the Secretary will notify and consult with appropriate State and local officials and other interested parties. Thus, section 7 of S. 1560 assures that the legitimate interests of State and local authorities will be considered in establishing a reservation for the Siletz Tribe, and we recommend that the section be retained together with our draft bill.

While we support enactment of legislation to restore the Siletz Tribe, the Federal government is developing criteria for restoration of terminated tribes.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

Cecil D. Andrus

SECRETARY CECIL D. ANDRUS

Enclosure

A B I L L

To restore the Federal trust relationship with, and Federal services and assistance to, the Confederated Tribes of Siletz Indians of Oregon and to the members thereof, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Siletz Restoration Act".

Sec. 2.(a) The Federal trust relationship is hereby restored to the Confederated Tribes of Siletz Indians of Oregon (hereinafter sometimes referred to as the "Tribe") and the provisions of the Act of June 18, 1934 (48 Stat. 984), as amended [25 U.S.C. 461 et seq.] are made applicable to its members. The Tribe and its members shall be considered as a tribe and as Indians for the purposes of the Act of November 2, 1921 (42 Stat. 208) [25 U.S.C. 13], the Act of August 16, 1957 (71 Stat. 370) [42 U.S.C. 2005-2005f], and any other present or future Act applicable to Federally recognized Indian tribes or their members. For purposes of eligibility for services or assistance under any such Act, or the regulations issued pursuant thereto, the geographic area of the former Siletz Reservation as it was constituted on August 13, 1954, shall be considered as if it were the Tribe's Reservation. For purposes of the Act of August 16, 1957 the members of the Tribe shall be deemed to be Indians for which hospital and medical care was being provided by or at the expense of the Public Health Service on August 16, 1957.

(b) The provisions of sections 7, 13(a), and 14(b), [25 U.S.C. 697, 703(a), and 704(b)] of the Act of August 13, 1954 (68 Stat. 724), and any other provisions of said Act which are not consistant with this Act, shall hereafter not apply to the Tribe or its members. Subject to subsection (c) of this section there are hereby reinstated all rights and privileges of the Tribe or its members under Federal treaty, Executive Order, agreement, statute, or otherwise which may have been diminished, lost, or denied, pursuant to said Act of August 13, 1954.

(c) This Act shall not be construed to grant or restore any hunting, fishing, or trapping rights of any nature to the Tribe or its members.

(d) The provisions of section 1162, title 18, United States Code, section 1360, title 28, United States Code, and section 403(a) of the Act of April 11, 1968 (82 Stat. 79) [25 U.S.C. 1323] shall be applicable to the Tribe, its members, and lands to the same extent as such provisions apply to other tribes, Indians and Indian country (except the Warm Springs Reservation) in Oregon.

(e) Nothing in this Act shall alter any property rights or obligations or any contractual rights or obligations.

Sec. 3.(a) The Board of Directors (hereinafter sometimes referred to as "the Board") of the Confederated Tribes of Siletz Indians, Incorporated, a corporation organized and operating under the laws of the State of Oregon, shall serve as the interim governing body of the Tribe for purposes of (1) drafting a proposed constitution and by-laws for the

Tribe (or for appointing a committee to draft such documents), (2) entering into contracts, grant agreements, and other arrangements with any Federal Department or Agency (3) administering, operating, subcontracting, subgranting, or other activities under such contracts, agreements, or arrangements. Any such contracts, agreements, or arrangements shall not involve any financial obligation which could become an obligation of the Tribe.

(b) The Board may delegate to the Chairman and other officers of such Board such of its authorities under this Act as would be appropriate for exercise by the chief executive officer or other such officials of a Federally recognized Indian tribe.

Sec. 4.(a) The membership roll of the Tribe which was published in the Federal Register on July 20, 1956 is hereby declared open. The Secretary, under contract with the Confederated Tribes of Siletz Indians, Inc., shall proceed to make current the roll in accordance with the terms of this Act. The names of all enrollees who are deceased as of the date of enactment of this Act shall be stricken. All persons shall be added to the roll who were entitled to be included on said roll of July 20, 1956, but who were not, for whatever reason, included on that roll. The names of any descendants of an enrollee shall be added to the roll provided such descendant possesses at least one-fourth degree Siletz Indian blood.

(b) Upon installation of elected constitutional officers of the Tribe, the Secretary and the Confederated Tribes of Siletz Indians,

Inc., shall deliver their records, files, and any other material relating to enrollment matters to the chief executive officer of the Tribe. All further work in bringing and maintaining current the Tribe's roll, including the determination of membership in the Tribe, shall be performed by the Tribe in such a manner as may be prescribed in accordance with the Tribe's governing documents. The constitution and bylaws of the Tribe shall provide that all persons listed on the Tribe's roll pursuant to subsection (a) of this section shall be members of the Tribe, except where their enrollment was in error.

(c) Until responsibility for the Tribe's roll is assumed by the Tribe's governing body, appeals from the omission or inclusion of any name upon the Tribe's roll shall lie with the Secretary and his determination thereon shall be final. The Secretary shall make the final determination of each such appeal within ninety days after an appeal is initiated.

Sec. 5. Upon request from the Board of Directors of the Confederated Tribes of Siletz Indians, Inc., the Secretary of the Interior shall conduct an election by secret ballot, pursuant to the provisions of the Act of June 18, 1934, and the regulations issued in accordance therewith, for the purpose of determining the Tribe's constitution and bylaws. The election shall be held within sixty days after final certification of the Tribe's roll.

Sec. 6. [Same as section 7 of H.R. 7259 and S. 1560.]

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STATEMENT OF RAYMOND V. BUTLER, ACTING DEPUTY COMMISSIONER OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR, ON S. 1560, A BILL "TO RESTORE THE CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON AS A FEDERALLY RECOGNIZED SOVEREIGN INDIAN TRIBE, TO RESTORE TO THE CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON AND ITS MEMBERS THOSE FEDERAL SERVICES AND BENEFITS FURNISHED TO FEDERALLY RECOGNIZED AMERICAN INDIAN TRIBES AND THEIR MEMBERS, AND FOR OTHER PURPOSES", BEFORE THE SELECT COMMITTEE ON INDIAN AFFAIRS OF THE UNITED STATES SENATE, JULY 13, 1977.

Mr. Chairman and members of the Committee, I am pleased to appear today to testify on S. 1560, the "Siletz Indian Tribe Restoration Act".

While we strongly support the intent of S. 1560, our report on the bill includes a substitute draft which simplifies the process of reestablishing the Confederated Tribes of Siletz Indians and restoring their eligibility for services and assistance from the Bureau of Indian Affairs and the Indian Health Service. In addition to technical differences, our draft differs from S. 1560 in that it does not provide for the establishment of a separate interim tribal government because there is an existing organization ("The Confederated Tribes of Siletz Indians") incorporated under Oregon Law with an elected board of directors who can serve as the tribal council until the Siletz Indians organize and adopt a constitution and bylaws under the Indian Reorganization Act.

The Siletz Indians were among the Western Oregon Tribes who were terminated in 1956 pursuant to the Act of August 13, 1954, as part of the now repudiated termination policy set out in House Concurrent Resolution 108 of the 83rd Congress.

The Siletz Indians reorganized in the late 1960's and incorporated as a non-profit corporation in 1973. The organization is composed of Siletz

Indians living in Siletz and Lincoln County, Oregon, as well as those who have left the area. Nearly 800 out of the 929 persons listed on the Siletz termination roll of 1956 are still living and the current number of Siletz Indians has been estimated at between 1,500 and 2,000.

The 300 to 400 Siletz Indians which are living in Lincoln County will be the principal beneficiaries of the reestablishment of eligibility for BIA services. They would be eligible for the benefits of BIA programs such as Johnson-O'Malley Act funds for elementary and secondary school children in the Siletz school; and BIA higher education scholarships and financial aid for Adult Vocational Training. The Tribe would be able to administer these BIA programs under the Indian Self-Determination Act. If they choose to not do so, the programs will be administered thru our Portland Area Office.

This concludes my statement. I will be pleased to respond to any questions you may have.

STATEMENT OF RAYMOND V. BUTLER, ACTING COMMISSIONER, BUREAU OF INDIAN AFFAIRS; ACCOMPANIED BY: RALPH REESER, DIRECTOR, CONGRESSIONAL AND LEGISLATIVE AFFAIRS STAFF, BIA; AND SCOTT McELROY, ATTORNEY, SOLICITOR'S OFFICE, INTERIOR DEPARTMENT

Mr. BUTLER. Thank you, Mr. Chairman.

It is a pleasure for me to appear before the committee this morning to testify in strong support of S. 1560.

We have, in our view, added some technical changes; in particular, they are changes relative to the recommended interim government—perhaps, using the governmental body which they now have under incorporation in the State of Oregon as the interim governing body.

Our recommendation to the committee in that area, Senator, is largely based upon our experiences with a restoration act in which there were considerable time-consuming, difficult problems in instituting the restoration committee and the interim government.

Mr. Chairman, we realize that section 7 does not of itself in any way establish a reservation. However, we are recommending to the committee for consideration the administrative utilization of that reservation area for the purposes of establishing eligibility criteria in consultation with the people of the Siletz Nation.

Mr. Chairman, that would conclude my summary of the prepared statement. I would be pleased to respond to any questions you may have.

Senator HATFIELD. I thank you for your summary, Mr. Butler.

Why do you believe this provision is necessary as a basis for determining eligibility? Why is that provision necessary?

Mr. BUTLER. Mr. Chairman, it is necessary for us to establish certain eligibility criteria. It is our suggestion and recommendation that we use this general area.

We are charged, with the Supreme Court decision in the *Ruez* case, to establish what is commonly referred to as an on or near reservation criterion for eligibility of services. Hence, Mr. Chairman, it would be our recommendation that we utilize that geographical area purely for administrative purposes in assisting the tribe, if they wish to contract for the services under the provision of Public Law 93–638 or for administrative purposes, if they wish us to provide the services directly.

Senator HATFIELD. Mr. Butler, for the record, in no way does this language, then, constitute or create a reservation for the Siletz?

Mr. BUTLER. No, sir.

Senator HATFIELD. In no way?

Mr. BUTLER. Neither in intent nor in any other way.

Senator HATFIELD. Nor does it in any way imply a congressional intent to so establish a reservation, say, in the future?

Mr. BUTLER. Absolutely none, sir. We would be totally guided by the provisional language of section 7 on that.

Senator HATFIELD. In your statement you recommend more simplified procedures for restoration.

Could you elaborate on that statement and tell us what these procedures might be?

Mr. BUTLER. Basically, Mr. Chairman, it has to do with the creation of the interim form of government. It is our understanding that the Siletz people now have an organized unit incorporated under the State of Oregon laws which we would consider and recognize as that interim form of government.

So, neither we nor the people there would need to go through all of the election process, the close time frames that are established within the proposed legislation, for accommodating the purposes of an interim government.

Senator HATFIELD. Last, Mr. Butler, in your statement you say that the Federal Government is developing national legislation for the restoration of all tribes nationwide.

When will this legislation be ready for presentation to Congress?

Mr. BUTLER. Mr. Chairman, at the present time we have draft review material which is in the hands of the Office of Management and Budget. We have completed our inhouse work within the bureau and the Department of Interior and have set forth the options to them. They have them under current consideration at this time.

I would not be one to actually set a date for my successor in office, who was nominated yesterday, for consideration by the Senate. But it should be in the not-too-distant future.

Senator HATFIELD. You have been very helpful. I appreciate very much your succinctness as well, Mr. Butler. Thank you.

I would like to call Mr. Arthur Bensell, who is the chairman of the Tribal Council of the Confederated Tribes of the Siletz Indians. He will be accompanied by Mr. Charles Wilkinson, Mr. Don Miller, and any others he may wish to accompany him.

STATEMENT OF ARTHUR BENSELL, CHAIRMAN, TRIBAL COUNCIL OF THE CONFEDERATED TRIBES OF THE SILETZ INDIANS, ACCOMPANIED BY CHARLES WILKINSON, ATTORNEY; DON MILLER, ATTORNEY; DEE PIGSLEY, AND ROBERT PAUL TOM

Mr. BENSELL. Mr. Chairman, we are very happy to be here again; we did not think we would have to. I think the testimony that we presented last year was very comprehensive and inclusive. We are not offering anything for the record but hope that that would stand and be sufficient.

I would like to say that I think you have covered very closely the benefits that we would receive. We are not asking for a handout. The things that we are asking for will be giving us tools which we can work with that will help in particular our younger people to become better citizens of our county, our State, and the United States. These are the things which we are looking forward to.

I think education is the most important thing that we have.

We did not know until about 2 months ago that there would not be a reservation clause in the bill. It was a thing where we had to go back to the tribe and decide whether or not we would give up this reservation plan.

But we agreed that the benefits that we would receive from the health and education and other benefits were more important. We agreed that maybe we should go with the plan that Congressman AuCoin had

come up with, although we do not agree. We think a reservation plan is central to our purpose. Many of the grants and moneys that come down say that you have to live on or near a reservation.

I think that if we can have some type, we hope that, when we put that piece of information in the bill, that we would have to come up with the Department of the Interior some plan. We hope that that would pass very quickly with another bill.

We learned very early that in this bill we could not have anything controversial. Congressman Meeds brought that out very early to us. So, we have tried to keep everything—particularly the hunting and fishing issue is not in this bill. We maintained from the start that this bill would not be a hunting and fishing issue.

These people here, that have come with me, know where we are going. We hope that the bill will pass very quickly and that we will enjoy—maybe before the end of the year—some of the benefits that we have long sought.

I thank you. I have no more unless there are questions. These people with me will be happy to answer any questions that you may have, Mr. Chairman.

Senator HATFIELD. Thank you very much, Mr. Bensell.

I must say that, having worked with you and your associates for a number of years, not only on this objective but in general Indian legislation and matters affecting the Indian people of this country, I know of no group that has been more accommodating or has yielded more on matters that are important to you in order to try to seek a common agreement and to compromise with opposing parties. I want to commend you.

Mr. BENSELL. Thank you.

Senator HATFIELD. It has been a most unusual experience, this business of legislation. Frequently groups will dig their heels in and have only a myopic view about something; they become totally insensitive to others who have a need.

I want to commend you on the kind of way in which you approach this whole matter.

Mr. BENSELL. Thank you.

Senator HATFIELD. I do have one question. You heard a while ago Mr. Butler, the Acting Commissioner of the Bureau of Indian Affairs, recommend more simplified procedures for restoration. He suggested that the Confederated Tribes of the Siletz Indians, Inc., be regarded as the governing body. I believe the language is: "In the interim period prior to the final restoration and election of a tribal government."

Does the tribe fully support the provisions of the bill concerning establishment of the interim council?

Mr. BENSELL. We do not have too much concern with what the people from the BIA have recommended here today. But we think politically that it would be better that we have an election so that everybody concerned—we have gone with the bill the way it is. Our people, when we left Oregon, said this is what to do.

It would be better to have an election than have the interim committee. This committee is very powerful and probably will be doing more work than the regular tribal council later on. They will be setting up bylaws and other things that are quite important.

Senator HATFIELD. Mr. Wilkinson or Mr. Miller, do you care to comment? Would any of the folks accompanying you care to comment?

Mr. WILKINSON. Mr. Chairman, I think I would offer just one very brief comment and perhaps not go into great detail on it.

Mr. Donaldson will have a proposal later. I know you are well aware of the great service Mr. Donaldson has made to the State of Oregon. I think all of us out there appreciate that. He has been a breath of fresh air in that commission. So, this is in no way intended as criticism of him.

What has happened is that the Fish and Wildlife Commission has recycled the McKean amendment of last year. That is the proposal that is being made.

In addition, to give it a new dress look, they have suggested that, rather than there be a Siletz Reservation, there be a Siletz historical site.

Not only does that strike me as unfortunate to think of the Siletz as historical only, I think the tribe does not at all look at itself that way.

Again without going into detail, I think the idea of having an Indian tribe administered by the National Park Service under 16 U.S.C. and being required to charge admission—which the statute does require for people to come onto what they would like to be a reservation—does not make any sense at all. I think it would be a serious aberration in the field of Indian policy.

The real problem here is that the Fish and Wildlife Commission is not familiar with Indian policy and should not be making recommendations that would result in Indian tribes being administered by the National Park Service.

I just say that briefly. I would be glad to provide written comments later, although I hope it would not be necessary.

Senator HATFIELD. That is in relation to the hearing procedure. I might interject at this point that we will use the hearings of last year as part of our basic record. We will keep the hearing record open for 2 weeks following this hearing, for any additional written statements that people may wish to offer to be incorporated in this part of our hearing record.

Thank you very much, ladies and gentlemen.

Our next witness is Mr. John Donaldson, director, State of Oregon Department of Fish and Wildlife.

I welcome you here this morning, Mr. Donaldson, and tell you I would rather be in Oregon because of this heat and humidity we have here.

Mr. DONALDSON. Thank you, Senator Hatfield. I agree with you about Oregon. I just flew in from Arizona, where it is 105°; so, it could be worse.

STATEMENT OF JOHN R. DONALDSON, DIRECTOR, OREGON FISH AND WILDLIFE DEPARTMENT

Mr. DONALDSON. Mr. Chairman, my name is John R. Donaldson. I am director of Oregon Fish and Wildlife Department.

The Fish and Wildlife Commission for the State of Oregon has requested that I bring to Washington and submit into the record a statement in opposition to S. 1560.

I recognize your time constraints this morning, Mr. Chairman. In deference to those, I will merely briefly sum up what the statement says and then recommend to you the alternate situation that we propose to you.

The issue still remains a very critical one for us of hunting and fishing. We have experienced over the years a number of difficult positions in court cases, particularly where State resources have been eroded by decisions that have been unfavorable to the State's right and ability to manage fish and wildlife resources.

It is our desire that the alternate bill that we have proposed be at least strongly considered. It gives the health, education, and welfare needs that we so recognize as necessary to the Siletz people. It protects, we feel, the hunting and fishing rights of all the citizens of the State of Oregon.

Mr. Wilkinson has already alluded to an additional clause in our proposal that relates to a historic site and museum.

In summary, we are still very concerned about hunting and fishing rights. Recognizing that in the present bill every effort has been made—I, too, compliment the Siletz people for being understanding, willing, and able to negotiate a position that I know some of their people feel extremely strong about; others less so.

I have visited with these people on numerous occasions and find them very delightful folk. It is very difficult to be here in this position and take this stand. But at the same point our commission feels that we absolutely must dig our heels in relative to hunting and fishing.

Senator HATFIELD. Mr. Donaldson, I appreciate the role you are in. I have had sessions with some of your colleagues on this issue.

If you were confronted with the following hypothetical situation, which is moving beyond a hypothetical character and will soon become reality, I would like to know your feelings.

There are two bills. One you have seen and are testifying on today. It deals directly with one tribe in the State of Oregon with explicit language as well as a legislative record firmly established saying no procedural rights, no hunting and fishing rights are granted or inferred or implied or derived from this bill.

There is a second bill that grants restoration nationwide to all Indians without the focus on the Siletz or Oregon or the hunting and fishing subject. It is just a general national piece of legislation. It is already drafted. It has already been at the OMB. It will be coming into Congress. I would put my wagering dollars on the side that it would pass.

What would be your preference?

Mr. DONALDSON. Mr. Chairman, I think it is always much more desirable to work close at home and work with friends. When you work on the national scene, I think you have, as you recognize, a great deal of problems relative to Indian issues particularly as they relate to hunting and fishing. We have been major losers in that arena.

We feel, however, that it is the responsibility of Congress to resolve this problem. It is a problem that was created as a national issue. It has now been literally dumped upon the States to suffer the burden. Frankly, we are very tired of this. It has cost us dearly in time, energy, and resource. It is the property of all the people.

To answer your question quite simply, I would prefer to go with the local situation unless, by some magnanimous act, the national legislation were to be written to provide the things that we hold so dear; that is, the States' rights to manage hunting and fishing relative to Indian reservations.

Senator HATFIELD. In this bill we have very carefully and explicitly denied any hunting and fishing rights at all. We have focused on the health and education benefits. So, this is a health and education bill. The restoration is only the technicality to qualify for those benefits.

When you get a nationwide restoration bill, you are going to be dealing with a far different situation. I am only suggesting that I think the commission ought to exercise some farsightedness at this point and see in this bill, through the record and through the explicit language, that you can be on the side of the Indians and still retain those rights that are traditionally the States' to administer the fish and game. When you begin to deal with the forces of nationwide restoration, it is not so easy to extrapolate those specific issues which are near and dear to your heart because they incorporate probably many other issues. Such a bill becomes, perhaps, more complex. Such a bill can become much more inclusive. All sorts of things can happen in that kind of legislative thicket.

I am offering some free counsel.

I suppose you might think I am offering you a choice here this morning similar to the choice given Louis Agassiz when he was becoming a citizen of this country. He was being queried by the naturalization official, who posed the question to him, "Do you believe in the overthrow of the U.S. Government by force or violence?"

He stopped and thought and thought. Finally he said, "By force."

So, I suppose you think I have given you that kind of a question this morning. But I am not intending it in that way at all. I just want to bring focus to this reality that I think is down the road a short way.

Mr. DONALDSON. I do understand, and I do appreicate the words you are giving here this morning. They will undoubtedly get back to the people in the State of Oregon.

Senator HATFIELD. Jack, it is good to see you.

Your prepared material will be inserted into the record if there is no objection.

[Material follows:]

STATEMENT ON S. 1560

BY

OREGON FISH AND WILDLIFE COMMISSION

BEFORE THE

SENATE COMMITTEE ON INDIAN AFFAIRS

JULY 13, 1977

My name is Jack Donaldson. I am director of the Oregon Fish and Wildlife Department. The Commission has requested that the following statement in opposition to S. 1560 be read into the record as supplemental testimony to the record that was established at the congressional hearings of March 30 and 31, 1976.

The Oregon Fish and Wildlife Commission has gone on record as fully supporting the legitimate aspirations of the Siletz Indians for health, education and welfare benefits. We are willing to assist them in those goals. We recognize however, that federal court decisions have held that certain Indian Tribes have federally-protected treaty rights to hunt and fish seperate from the non-Indian citizenry and outside of state regulations. We also recognize our responsibility to conserve the state's natural resources, and to enable the vast majority of the citizens of Oregon to have an opportunity to equally share in the recreational and commercial use of these resources. We hope that you will be sympathetic to this concern.

A recent decision of a federal court, Kimball v. Callahan, holds that the Klamath Indians still have, by treaty, an exclusive right to hunt

and fish on their former reservation despite the fact that they were terminated in 1954 and subsequently sold their lands.

The Klamath case has inspired other terminated tribes in Oregon to claim that they have the right to unlimited hunting and fishing on their ancestrial lands. Although the Siletz Indians are not at this time claiming these rights, the Commission firmly believes that restoration of the Siletz tribe, as provided in S. 1560. provides a procedural advantage to the Indians when the issue is ultimately addressed. For example, recent federal court cases uphold the sovereign immunity of Indian tribes. In addition, Section 7, which will ultimately lead to the establishment of a reservation, directly challenges the state's jurisdiction over its resources and its citizenry. This goes beyond just hunting and fishing.

These issues are not local even though attention is now focused on the Siletz Indians. In Oregon alone about 6 million acres of land, of which only 1.4 million acres are within the former Siletz Reservation, were once in reservations of terminated Oregon tribes. Nationally, of course, the total land and water area within former reservations is significantly larger.

The Oregon Fish and Wildlife Commission strongly believes that the state must retain authority to manage and conserve its fish and wildlife resources in the interest of <u>all</u> citizens.

The trends that the federal courts are establishing which create separate Indian rights and multi-resource management authorities is

alarming to us and must be fairly addressed by Congress, on national basis. The deplorable situation that has existed on Puget Sound in the State of Washington for some 20 years illustrates the chaos that results when the state agencies lose their management control to a federal court. As this situation worsens the resource loses.

In opposing S. 1560 the Oregon Fish and Wildlife Commission does not want to jeopardize the stated objective of the bill, which is to grant Siletz Indians certain health, education, and welfare benefits that are now only provided to recognized tribes.

We are recommending an alternative bill which specifically provides social benefits to the Siletz people without restoring federal recognition to the tribe. A copy of that Bill is attached to this statement. In addition, the Commission supports the creation of a National Siletz Indian Historical Site and Museum, in Lincoln County, which will preserve the rich cultural history of the Confederated Tribes and will provide a sense of tribal identity for future generations.

Section 6 (a) of the proposed substitute bill expresses the strong belief of the Commission that Congress must begin to address the policy issue of the state's authority to equitably manage its fish and wildlife resources for all citizens.

Without this language we are headed for serious confrontations. Congress can help avert such actions by adopting federal legislation which maintains the state's authority and will compensate the Indian

tribes for any valid rights which may have been taken from them. Any obligation owed to the Indian people is a national one and must be so recognized. It cannot be satisfied solely at the expense of state resources and the non-Indian citizens residing in the state. The creation of special rights for a small group has led to resentment by the rest of the citizenry.

Thank you for the opportunity to present our position. I offer my assistance to this committee and to the members of the Oregon delegation in developing legislation that achieves adequate social benefits for Siletz Indians, yet maintains the state's authority over resource management.

PROPOSED SILETZ HEALTH, EDUCATION AND WELFARE ACT

BY

OREGON FISH AND WILDLIFE COMMISSION

JULY 10, 1977

To make the members of the terminated Confederated Tribes of Siletz Indians of Oregon eligible for those federal services and benefits furnished to federally recognized American Indian tribes and their members.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Siletz Health, Education and Welfare Act."

Sec. 2. For the purpose of this Act --

(1) The term "tribe" means the Confederated Tribe of Siletz Indians of Oregon.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Siletz Tribal Council" means the council who shall be elected pursuant to Section 5 of this Act.

Sec. 3. (a) Notwithstanding any other provision of law, the provisions of the Indian Self-determination Act, 25 USC §§ 450 et seq, are hereby made applicable to the tribe. 25 USC §§ 450 (b) is amended to read as follows:

"Indian tribe means any Indian tribe, band, nation, or other organized group or community . . . which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or any organized group or community which would be recognized but for the Act of August 13, 1954, (68 Stat 724-28; 25 USC § 691 - 708)."

(b) In providing to the tribe the services to which it may be entitled pursuant to subsection 3(a) of this Act, the Secretary and the Secretary of Health, Education, and Welfare, as appropriate, are authorized, from funds appropriated pursuant to the Act of November 2, 1921 (25 USC 13); the Act of August 5, 1954 (68 Stat 674); the Act of January 4, 1975 (88 Stat 2203); or any other Act authorizing appropriations for the administration of Indian affairs, upon the request of the tribe and subject to such terms and conditions as may be mutually agreed upon, to make grants and contract to make grants which accomplish the general purposes for which the funds were appropriated.

Sec. 4. Notwithstanding any other provision of law, any provisions in any statutes which provide federal health and educational benefits to federally recognized Indian tribes are hereby made applicable to the Confederated Tribes of Siletz Indians. The Tribe and the members of the Tribe shall be eligible for all federal health and educational services and health and educational benefits furnished to federally recognized tribes.

Sec. 5(a) Within fifteen days after the enactment of this Act, the Secretary shall announce the date of a general council meeting of the tribe to nominate candidates for election to the Siletz Tribal Council. Such general council meeting shall be held within thirty days of the enactment of this Act. Within forty-five days of the general council meeting provided for herein, the Secretary shall hold an election by secret ballot, absentee balloting to be permitted, to elect the membership of the Siletz Tribal Council from among the nominees submitted to him from the general council meeting provided for herein. The ballots shall provide for write-in votes. The Secretary shall approve the Siletz Tribal Council elected pursuant to this section if he is satisfied that the requirements of this section relating to the nominating and election process have been met. The Siletz Tribal Council shall represent the Siletz people in the implementation of this Act.

(b) In the absence of a completed tribal roll prepared pursuant to subsection (d) hereof and solely for the purposes of the general council meeting and the election provided for in subsection (2) hereof, all living persons on the final roll of the tribe published under section 3 of the Act of August 13, 1954 (25 USC 693), and all descendants, who are at least eighteen years of age and who possess at least one-

fourth degree of Siletz Indian blood, of persons on such roll shall be entitled to attend, participate, and vote at such general council meeting and such election. Verification of descendancy, age, and blood quantum shall be made upon oath before the Secretary or his authorized representative and his determination thereon shall be conclusive and final. The Secretary shall assure that adequate notice of such meeting and election shall be provided eligible voters.

(c) If vacancies occur on the Siletz Tribal Council, the Siletz Tribal Council shall hold a general council meeting within thirty (30) days after receiving written notice of such vacancy. The Siletz Tribal Council shall give at least ten (10) days notice of such general council meeting. Any vacancy or vacancies shall be filled at such general council meeting after nominations have been made at such general council meeting. The person or persons receiving the highest number of votes shall fill the vacancy or vacancies. Eligibility to vote at such general council meeting shall be determined by the procedures provided for in subsection (b) hereof except that verification of descendancy, age, and blood quantum shall be made upon oath before the Siletz Tribal Council and their determination thereon shall be conclusive and final. The Siletz Tribal

Council shall assure that adequate notice of such meeting and election shall be provided eligible voters.

(d) The members of the tribe who are eligible to receive benefits under this Act shall be determined as provided in this section. The Secretary, under contract with the Siletz Tribal Council, shall proceed to make current the membership roll which was published in the Federal Register on July 12, 1956, in accordance with the terms of this Act. The names of all enrollees who are deceased as of the date of enactment of this Act shall be stricken. All persons shall be added to the roll who were entitled to be included on the roll of July 12, 1956 but who were not, for whatever reason, included on that roll. The names of any descendants of an enrollee shall be added to the roll provided such descendant possesses at least one-fourth degree Siletz Indian blood. Appeals from the omission and inclusion of any name upon the tribal roll shall lie with the Secretary and his determination thereon shall be final. The Secretary shall make the final determination of each such appeal within ninety days after an appeal is initiated.

Sec. 6(a) Notwithstanding any other provision of law or court decision, the State shall have the authority to regulate hunting, fishing and trapping by the tribe and its

members to the same extent and in the same manner as the State may regulate hunting, fishing and trapping by non-Indian persons.

(b) Nothing in this provision shall affect the right of the tribe to file any claim against the United States for compensation for any hunting, fishing or trapping rights.

Sec. 7. There is hereby created a National Siletz Historical site and appropriate cultural Museum, to be located in Lincoln County, Oregon at a site to be selected by the Secretary with the approval of the Siletz Tribal Council.

Sec. 8. The Secretary is hereby authorized to make such rules and regulations as are necessary to carry out the provisions of this Act.

Sec. 9. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Senator HATFIELD. It is good to work with you.

Mr. DONALDSON. Thank you. We will continue to do so.

Senator HATFIELD. We will.

Mr. DONALDSON. We have lots of things to do.

Senator HATFIELD. That is right.

Mr. DONALDSON. We have a new facility in Newport and we are very excited about aquaculture; it is extremely important.

Senator HATFIELD. I have a vision that that is but an increment of what I hope to see as one of the most comprehensive complexes for aquaculture research in the country.

Mr. DONALDSON. If I may just take a moment, Mr. Chairman. I have discussed with the Siletz people this very idea of aquaculture for them. This, I think, is an important avenue for them to pursue toward using the sea that they have such a history in the use of. With that site there, I think this is a nice beginning.

We are going to stimulate aquaculture in the State of Oregon. This is the right way to go. It is a good way to use our resource and not have to use State dollars to further. I think there is a nice tie here down the line. We would work very closely here with the people no matter what develops in the way of legislation.

Senator HATFIELD. The potential is there. We have only developed five or six crops, as compared to dozens in other countries.

Mr. DONALDSON. That is true.

Senator HATFIELD. You have certainly been a leader in this area yourself. I think that is one of the assets we have in the State of Oregon, in looking down the road of aquaculture; it is your own background and experience.

Mr. DONALDSON. Thank you.

I was talking to Mr. Kennedy before this meeting. I mentioned that I spend all too much time in things other than resource management. I am very anxious to get back to doing those very things I enjoy.

Senator HATFIELD. Thank you, sir.

We have other material which has been submitted for the record. Without objection, it will be inserted in the record at the conclusion of the hearing.

I thank all of you for your statements.

The meeting is adjourned.

[Whereupon, at 10:05 a.m., the meeting was adjourned.]

[The material submitted to the committee for inclusion in the record follows:]

S.1560, H.R.7259--Siletz Indians

STATEMENT OF LOUIS S. CLAPPER ON BEHALF OF THE NATIONAL WILDLIFE FEDERATION PRESENTED BEFORE THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS

July 13, 1977

Mr. Chairman, I am Louis S. Clapper, Conservation Director for the National Wildlife Federation, which has its headquarters at 1412 Sixteenth Street, N.W., here in Washington, D.C. Ours is a private, non-profit organization which seeks to attain sound conservation goals through educational means. Affiliates of the National Wildlife Federation are found in all 50 states, Guam, Puerto Rico, and the Virgin Islands. Affiliate members, associate members, and supporters together number more than 3.5 million individuals, making the Federation the largest private conservation organization in the Nation.

The National Wildlife Federation is concerned about certain aspects of S.1560 and H.R.7259, bills "To restore the Confederated Tribes of Siletz Indians of Oregon as a federally recognized sovereign Indian tribe, to restore to the Confederated Tribes of Siletz Indians of Oregon and its members those Federal services and benefits furnished to federally recognized American Indian tribes and their members, and for other purposes." Our concerns are explained more fully in the balance of this statement.

Attached is a copy of a resolution (no. 20) adopted by our organization earlier this year. This resolution recommends that the Congress define Indian hunting and fishing rights, as set out in treaties. Further, it urges that the Congress confirm authority of the various states to regulate off-reservation hunting and fishing activities, for Indians and non-Indians

alike, and reiterates its continuing adherence to the principle that just Indian claims should be compensated for by means other than discriminatory allocations of natural resources.

These principles, Mr. Chairman, apply to problems in many parts of the Nation, not just Oregon or the Pacific Northwest. Consequently, we fear that provisions in S.1560-H.R.7259 will have implications extending far beyond the Siletz Tribe and the State of Oregon.

The National Wildlife Federation certainly would not wish to deny Federal health, education and welfare benefits to the Siletz people, supposedly the prime objective of the bills under consideration here today. However, we fear that some provisions in the bills would set unfortunate precedents which we must oppose.

It is our opinion that recent Federal Court decisions have taken unfortunate trends. One held that certain Indian tribes have federally-protected treaty rights to hunt and fish which provide them with privileges not accorded others, and outside of state regulations. Further, a court found that a tribe still has exclusive treaty hunting and fishing rights on its former reservation even though the tribe is terminated and sells its lands. Obviously, the implications of these decisions are enormous, and we believe that the Congress should enunciate a policy which is non-discriminatory to those citizens who are non-Indians.

We also feel that provisions in S.1560-H.R.7259 which relate to hunting, fishing, and trapping are confusing. The wording in Section 3(c) and Section 7(d)(2) appear inconsistent with Section 7(c)(4). And, despite the disclaimer that this Act will not establish a reservation for the Tribe, it clearly anticipates subsequent action to do this. And, unless the State has the authority to regulate, the non-Siletz citizens will suffer. The bills, as presently drawn, offer no such assurance.

In all candor, we believe that the Bureau of Indian Affairs and the Solicitor's Office of the U.S. Department of the Interior are waging aggressive campaigns to lodge the regulation of hunting and fishing in the hands of the various Tribes and, in our opinion, this is not a development in the overall public interest.

To conclude, we recommend that the Congress enact an alternative bill developed by the Oregon Fish and Wildlife Commission in lieu of S.1560-H.R.7259.

We are also attaching a copy of an article in the Portland OREGONIAN of July 12, 1977. This article was authored by Herbert Lundy, a Regional Director of the National Wildlife Federation and a member of the Oregon Fish and Wildlife Commission. We believe it can be of material importance to the Members of this Committee.

Thank you for the opportunity of making these observations.

Resolution No. 20

INDIAN TREATY RIGHTS

WHEREAS, various Indian tribes are asserting rights to various fish and wildlife resources, as well as rights in and to public and private lands and/or the timber and minerals located thereon; and

WHEREAS, many of the rights asserted are based upon treaties executed between various Indian tribes and the United States Government many years ago when conditions were vastly different; and

WHEREAS, many of the assumptions on which these treaties were based, such as the inexhaustibility of certain resources, have proved to be inaccurate; and

WHEREAS, decisions by various courts interpreting various Indian treaty provisions relating to fish and wildlife resources have made the effective management of various fish and wildlife resources virtually impossible; and

WHEREAS, the lack of effective management threatens, in some cases, the continued existence of certain publicly-owned fish and wildlife resources;

NOW, THEREFORE, BE IT RESOLVED that the National Wildlife Federation, in annual meeting assembled March 24-27, 1977, in Washington, D.C., hereby recommends that the 95th Congress take immediate action to define Indian hunting and fishing rights, as set out in the treaties; and

BE IT FURTHER RESOLVED that this organization urges the Congress to confirm authority of the various states to regulate off-reservation hunting and fishing activities of all Americans — Indians and non-Indians alike, for conservation purposes; and

BE IT FURTHER RESOLVED that the National Wildlife Federation reiterates its continuing adherence to the principle that just Indian claims should be compensated for by suitable means other than discriminatory allocations of natural resources.

Right of regulation at issue for state

by HERBERT LUNDY

Illegible article deleted

STATEMENT ON S 1560

BY

JOE H. LANE

TO THE SENATE COMMITTEE ON INDIAN AFFAIRS

ATTENTION: SENATOR MARK O. HATFIELD,(OREGON)

MR. CHAIRMAN, AND MEMBERS OF THIS COMMITTEE:

My name is Joe H. Lane. I am a member of the Chetco Tribe of the Confederated Tribes of Siletz Indians, the immediate past Chairman of the Confederated Tribes of Siletz having served two terms in this capacity, and respectfully ask that this statement be entered into the record. My purpose in presenting this written testimony to this Committee is to affirm my position of supporting legislation which will restore to my people health, educational and welfare benefits available to recognized tribes across this nation, but oppose S 1560 in its present form.

My opposition is to section 7 which provides a mechanism for the re-creation of a reservation at Siletz at a later date.

It is my firm belief that to once again create an Indian Reservation in Lincoln County Oregon would be to turn the clock of history backward, and instead of assisting the Siletz people in preparing themselves educationally to become more competitive in today's job marketplaces which in itself would provide a solution to many of the social and economic problems they encounter today, a reservation would place them in a government dependency syndrome destroying incentive to improve the quality of life.

Those not aware of the sad plight of the American Indian need

only to study the report of the Indian Policy Review Commission. The data in the report has been known to Indian leaders across our nation many years prior to the creation of the Commission. Reservations have not solved the social and economic problems for their people, indeed, unemployment rates are reported as high as 64%, the incidence of suicide among young people 3 and 4 times higher than the rest of the populace, severe problems in hunger and malnutrition, neglect in the delivery of health care for people of all ages, and acute problems with alcoholism and drug abuse. Indian leaders constantly seek federal programs in an effort to combat these calamitous situations.

I submit that the real help to the Siletz, will be the opportunities for college, trade and technical school educational programs. Programs such as the Indian CETA programs are woefully inadequate, reach but a tiny percentage of those in need, and are in effect only a temporary short-term welfare type of program which in most cases does little or nothing for the participant but postpone drawing of unemployment insurance benefits until a later date. While some are helped, most are not.

Further, I submit that the vast majority of the members of the Confederated Tribes of Siletz do not live in Siletz or even in Lincoln County, are not interested in nor would benefit from a reservation in Siletz. Less than one-fourth of the estimated 1700 to 1800 descendants live in Siletz, and many of those living in Siletz do not want a reservation there!

Having studied the proposed Siletz Health, Education and Welfare Act

submitted to this Committee for consideration as an alternative to S 1560 by the Oregon Fish and Wildlife Commission, I cannot support S 1560 in its present form, and I respectfully urge this Committee to adopt the proposed bill as submitted by them. Not only does it provide the objectives originally sought by the Tribes, but under Section 7 creates a National Siletz Historical site and appropriate cultural museum which many Indian people, myself included, have long wanted to someday realize.

It is for the above mentioned reasons that I hope that this Committee will, in its wisdom, not turn the hands of the clock of history backward by creating or allowing the creation of a reservation in Lincoln County which would further handicap the Siletz Indian people by segregating them with a psychological fence around them which is sure to destroy incentive and hope. History has amply proven that those who "broke away" from dependecy upon the government for their livelihood and welfare are today responsible citizens making contributions to the communities in which they live.

I therefore respectfully urge this Committee to adopt the Siletz Health, Educational and Welfare Act as proposed by the Oregon Fish and Wildlife Commission.

Most Respectfully Submitted,

Joe H. Lane
3335 S.e. 43rd St., Portland, Oregon 97206
Telephones: Residence (503)771-1231;Office (503)284-1508

Save Oregon's Resources Today, Inc.

Mr. Forrest L. Mauret
Route 1, Box 324
Madras, Ore. 97741

July 11, 1977

To: Senate Interior and Insular Affairs Committee;
Subcommittee on Indian Affairs

From: Forrest L. Mauret, Vice President and Legislative Director of SORT

RE: Please add this supplemental material to the record of my testimony of 7/31/76, pertinent to S 2801, Siletz restoration.

Please refer to the concerns of Save Oregon's Resources Today, Inc. as set forth in testimony on 7/31/76. We continue opposition to both HR 7259, and S 1560, unless amended to grant the State the right to regulate hunting and fishing equally for all residents.

We support the Oregon Fish and Wildlife Commission's position and their substitute bill. Those bills now being heard, only postpone the reservation question for two years, and do not relieve our concern that fishing and hunting beyond the regulatory powers of the state might occur. Denial of such intentions, by current Siletz spokesmen, does not bind their cousins or sons, unless spelled out in law. We lack confidence that either the Congress or courts have as intimate acquaintance with the lack of conservation in reservation hunting and fishing practices as we have.

Sportsmen pay all of Oregon's terrestrial wildlife budget, and five times as much toward the fishery budget as all other users combined, and take only about one fifth of the fish. More than half of the state's adult population is licensed sportsmen. They support a service and supply industry more than a hundred times greater than Oregon's total commercial fishery receipts, including Indian, and outnumber other users a hundred and fifty times.

We fail to understand how one man, whether Indian or non-Indian, should have the right to more fish than another. We hold that anadramous fish should belong to the country of origin, and that all who support the fishery by buying a license should have equal right to pursue a reasonable limit for personal use. Personal use fishery should be recognized as the oldest and highest tradition, and should enjoy priority. Those who seek more than that personal share should be limited to those fish that are either surplus to, or unavailable to, the personal use fishery. No one should hunt commercially. Indians should be limited the same as everyone else.

It should be noted that the personal use fishery is paying in fees, 36 times as much per pound of fish harvested, as does the commercial fishery in Oregon. The Indian fishery is part of the commercial fishery. Sportsmen are the majority stockholders in both number and investment, and are subsidizing all others.

To those who think the Restoration Bill is not the vehicle with which to deal with hunting and fishing rights questions, let them prove good faith by passing satisfactory hunting and fishing legislation first, so that we need not doubt their intentions. Restoration can wait long enough for that.

Forrest L. Mauret

Please note attachment and material on the back thereof

Save Oregon's Resources Today, Inc.

Mr. Forrest L. Mauret
Route 1, Box 894
Madras, OR 97741

August 8, 1976

To: Senator Mark O. Hatfield,
Senator Robert Packwood,
Representative James Weaver,
Representative Les AuCoin,
Representative Al Ullman,
Representative Bob Duncan, and
All Challenging Candidates

From: Forrest L. Mauret, Vice President and Legislative Director of SORT

Gentlemen:

We read and hear that the Siletz Restoration Bill may be in the process of being amended. One rumor has it that the proposed reservation be reduced to 20 acres, not adjacent to any stream, and with subsequent additions either being prohibited, or with language specifically eliminating special hunting or fishing rights thereon.

We wish to be on record that we are also unalterably opposed to the establishment of even one more independent or autonomous Indian, or other, government within the State of Oregon, without including the language of the "McKean" amendment.

Our observation is, that in those circumstances where independent tribal governments do exist, and choose to issue regulations contrary to those of the state, an impossible inforcement problem follows.

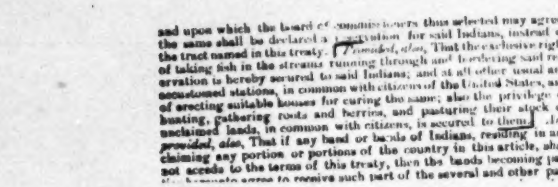
It is not what the framers of the bill, legislative counsel, Indian attorneys, U. S. Solicitors, or Counsel for the Library of Congress says about the proposed legislation that counts. We have learned the hard way that is what any particular Federal Judge says that tells the tale.

Please note the material on the back of this letter.

Sincerely

Forrest L. Mauret

Fishing and Hunting Provisions of Treaty of the Tribes of Middle Oregon, 1855



and upon which the board of commissioners thus selected may agree, the same shall be declared a reservation for said Indians, instead of the tract named in this treaty. *Provided, also*, That the exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians; and at all other usual and accustomed stations, in common with citizens of the United States, and of erecting suitable houses for curing the same; also the privilege of hunting, gathering roots and berries, and pasturing their stock on unclaimed lands, in common with citizens, is secured to them. *And provided, also*, That if any band or bands of Indians, residing in and claiming any portion or portions of the country in this article, shall not accede to the terms of this treaty, then the bands becoming parties hereto agree to receive such part of the several and other pay-

Judge Boldt rewrote the treaty. He reinterpreted the words "in common with" to mean that off reservation fishing by Indians could not be regulated by the states, that the Indian could fish at all times for ceremonial and subsistance purposes and must be guaranteed an opportunity to catch 50% of the harvestable remainder destined for their usual and accustomed (off reservation) stations. He left no machinery for stopping the Indian at 50%, leaving no guarantee for anyone else.

This interpretation does nothing for the rank and file Indian. Only about one Indian in thirty fishes. If we consider the total number of Indians in the states of Idaho, Oregon and Washington, and the total number of other citizens, the Judge has said that the Indian is entitled to more than 150 fish to one for the non-Indian, but if we consider only the fishermen, the Indian fisherman is given about 1300 fish to one for the non-Indian fishermen. Sportsmen are finding it hard to believe that guaranteeing the Indian 1,300 fish, in the applicable areas, and not guaranteeing the sportsman his one, is really fishing "in common with", or is what the treaty intended. Neither do we feel that we are fishing in common with, when the entire Columbia and many of the larger tributaries are closed to us for conservation reasons, but the Indian continues to take large quanities of fish for sale, merely by stating that he is fishing for subsistance. We are especially disturbed when the fish he continues to take, despite the closure, are desperately needed for spawning.

Sportsmen are also disturbed at the continuing propaganda barrage depicting the Indian as a conservationist capable of regulating himself. Those educated, personable, and eloquent Indian spokesmen who represent their tribes in public are undoubtedly conservationists, but the Indian fishermen on the banks of the river are not. They will take the last fish. Tribal regulations are not enforced, and so far appear to be mostly window dressing. Extinction is forever, even when accomplished by an Indian fisherman.

Equal hunting and fishing must be spelled out in any Indian legislation.

July 13, 1977

Teno Roncalio Sub-Committee on Indian
Affairs House Committee on Interior
and Insular Affairs
303 Cannon
House Office Building
Washington D.C. 20515

Gentlemen:

Please consider this letter Formal testimony and commentary on H.R. 7259 and S. 1560, identically entitled as the Siletz Indian Tribe Restoration Act, set forth as follows:

The Title of the two Bills is misleading, inaccurate and not respectful to the numerous tribes placed upon the permanent Siletz Reservation under the Act of March 3, 1875, and specifically named in the Executive Order of November 9, 1855, by then, President Pierce.

The records will show that many of the members of the final approved Roll are successors to the Ratified Treaties of September 10, amended November 15, and ratified March 3, 1855, 10 Stat 1018, with the Rogue River Shastas, and the Scoton-Chasta under the treaty dated November 18, 1854, and ratified, March 3, 1855 10 Stat, 1122, which provided for Permanent Reservation Homes, if moved from the Tablerock Reserve near Medford, Oregon.

The quantum of 1/4 degree Siletz Indian blood set forth in Section 4 (b) (c) is not compatible to the policy and standards implemented by the Tribal Officials prior to Termination (see enclosure #1, "Exhibits "H", "K", and "L", regarding membership requirements). It is requested that blood quantum be deleted in this sub section until a proper Constitution is adopted by members and successors on the Final Approved Roll.

The records show that members of the Siletz Reservation under their Constitution and By-laws voted to exclude themselves from the provisions of 25 USCA, Sections 461-479, for reasons

that will be presented to your committees at a later date, if requested.

The present Organization described as Confederated Tribes of Siletz is not functioning under the Old Adopted Constitution, which was presumably approved in 1949 by an Assistant Secretary of the Interior and lost in the Area Office, Swan Island, Portland, Oregon, in 1949.

This was told to me by my Great Uncle, Alfred Land, Sr. son of Scott Land, Sr. I have learned that over 50% of the Indian Tribes in the U.S. are not under 25 USCA, 461 - 479, but still receive benefits through the BIA and other Federal Agencies.

There are exceptions in those two bills under Section 3 (a) that would become difficult to fulfill by the limitations imposed in the exception Clause "19 and 20", and the "notwithstanding clause at line 24, page 2 and line 1 of page .

Subsection 3 (b) and (c) cannot be tolerated under the Treaty stipulations stated heretofore.

The following landmark cases are set forth for indulgence and evalution before there are any attempts to Legislate away Perpetual Treaty and Reservation Rights construed in these landmark cases, V 12.

Menomonee vs U.S., 341 U.S. 404, 88 SCT 1705, Treaty at Wolf River, 1854, 10 Stat 1064, in which there was no mention of Hunting or Fishing (The Reservation as a home, is to be held as Indian lands are held). "Termination and Public Law 280 must be considered pari-materia and does not overcome the Treaty and Reservation Home.)

Kimball etal vs Callahan Etals., Case No. 79-1512, 9th, Cir. Ct. Februray 26, 1974. "The Treaty gave plaintiffs the right to hunt and fish without State interference, due to subsequent ruling in Menominee vs U.S."

Ref cases - vis U.S. Vinans, 198 U.S. 371, 80, 81, Sct 1905 viz: "Its what that unlettered people understood that Language to Mepn and counter poise the inequity by the Superior Justice which looks only to substance of the right without regard to the technical rules. U.S. vs Washington, C.A. Washington 1975 Re. U.S. vs Washington 520 F 2nd, at page 676.

"Treaties between the U.S. and the Indian Nations were not a grant of Rights to the Indian but rather a grant of rights from them and a reservation of those not granted."

Strong U.S. vs 518 pages 556, Where Congress has by Treaty or Statute conferred upon the Indians or acknowledged in the Indians the right to permanently occupy and use land, then

the Indians have a right or title to land which has been variously referred to in court decisions as "treaty title" "Reservation title", Recognized Title and "acknowledged Title".

City of Newtown, N.D., vs U.S. CA. N.D. 1972, 454 F and 121. "Purpose to abrogate treaty right of Indians is not to be lightly imputed to Congress."

Sec. 7 (a) does not establish a reservation for us and would delay receiving development funds and business loans for at least five more years after the Secretary approves the new Roll, Constitution, and completes the Appeals and Hearings as set forth in succeeding section 5,6,7.

Section 7 (c) 4, and (d) (2) is an OVERKILL again on our Treaty and Reservation, Hunting and Fishing Rights. It is requested that any reference negatively set forth in these two Bills regarding Fishing, Hunting and Trapping be Deleted by reasons set forth prior, relating to our Ratified Shasta Treaties and the above stipulated annotations.

Section 7 (d) (6) is a contradiction to the Indian self-determination Act, P.L. 93-638. and contradict policies of this Congress and is a Bill of attainder in denying us the right to vote on State jurisdiction as provided in the 1968 Indian Civil Rights Act, which amends sections 1360 of Title 28 and to section 1162 of Title 18 and which protected our Treaty and Reservation Rights for Fishing, Hunting, and Trapping.

Reference is made to enclosure # 2, A letter to Governor Straub setting forth the serious ommissions provided in 25 USC, sections 694 and 695 regarding transfer of our Tribal property to a Corporate Legal Entity. This has not been accomplished as of this date.

Five sections of land were held in reserve under the Act of August 14, 1894, ratifying the sale of 178,840 acres of the Siletz Reservation for 75¢ an acre. $100,000 was to be placed on trust deposit, but disappeared without benefit to our people.

It is requested that these two companion Bills, H.R. 7259 and S. 1560, be tabled indefintely, until a productive investigation is made to determine the disposition of the five sections of land held in reserve under the Act of August 14, 1894.

Gentlemen, the Act of 1834 to regulate trade and intercourse was carried over into the Act of June 5, 1850, authorizing Treaties with Indian tribes.

The Oregon Territorial Act contained similar provisions; and was further carried over into the Enabling Act creating the State of Oregon.

All we want is equal rights under these Acts to protect our Treaties and Agreements which have been provided Indian Tribes elsewhere, regarding Hunting and Fishing Rights and not be intercoursed from these time proven sources of survival as depicted in these two Restoration Bills.

My Grandfather, John Adams, was recently featured in an article from the Oregon Territorial News, concerning his efforts to preserve the Siletz Reservation. Other leaders of the Shasta and Rogue River Tribes placed on the upper Siletz River, Reservation District, such as George Harney, Ned Evans, Hoxie Simmons and David John, also boycotted the meeting on the old Government Hill at Siletz, which masterminded the sale of the valuable timbered Siletz Reservation for 75¢ an acre by Government Agents, who furnish gallons of illegal whiskey to the attending Indians and headmen.

It is therefore, requested that the members of the House and Senate Committees on Interior and Insular Affairs give personal attention to the far reaching impact. These Bills will have on other Indian Tribes throughout the United States in setting such a dangerous precedent against the Human Rights of American Indians.

Respectfully,

Donald F. Bellinger

Encl:
Membership Criteria's 1/8 degree
Ltr to Governor Straub
Map of Western Oregon

CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
WASHINGTON, D.C. 20515

Alice M. Rivlin
Director

August 2, 1977

The Honorable James Abourezk
Chairman
Select Committee on Indian Affairs
U.S. Senate
1105 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Mr. Chairman:

Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 1560, a bill to restore the Confederated Tribes of Siletz Indians of Oregon as a federally recognized sovereign Indian tribe, to restore to the Confederated Tribes of Siletz Indians of Oregon and its members those Federal services and benefits furnished to federally recognized American Indian tribes and their members, and for other purposes, as reported by the Select Committee on Indian Affairs, August 2, 1977.

Based on this review, it appears that no additional cost to the government would be incurred as a direct result of enactment of this bill. However, this bill would make the Siletz Indians eligible for benefits under a number of discretionary federal programs. Thus, while no additional expenditures are mandated by the bill, the relevant federal agencies can be expected to seek additional funds in order to provide such benefits.

Sincerely,

Alice M. Rivlin
Director